

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

HUGH L. RILEY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 07-4089-CV-C-SOW
)	
LARRY CRAWFORD, et al.,)	
)	
Defendants.)	

ORDER

On October 23, 2007, United States Magistrate Judge William A. Knox recommended dismissing the claims of plaintiffs Hugh Riley, Tony Harris, Michael Akins, Lawrence Schuster, Mario Fue, Chris Sims, John Connor and Leon Daniel. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff Daniel on November 1, 2007. No exceptions were filed by the other plaintiffs. With regard to the recommendation for the other plaintiffs, the court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Plaintiff Daniel has requested an extension of time to pay the filing fee. Plaintiff Daniel is advised that with the dismissal of the remainder of the plaintiffs, he will be required to pay the initial filing fee as previously directed, and the remainder of the full filing fee, in accord with the provisions of 28 U.S.C. § 1915.¹

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of

¹Periodic payments will be withdrawn from plaintiff's inmate account, in accord with the statute, when his account balance exceeds \$10.00.

appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of October 23, 2007, is adopted, in part. [72] It is further

ORDERED that the claims of plaintiffs Hugh Riley, Tony Harris, Michael Akins, Lawrence Schuster, Mario Fue, Chris Sims and John Connor are dismissed, pursuant to the provisions of Fed. R. Civ. P. 41(b), for failure to comply with court orders. It is further

ORDERED that plaintiff Daniel is granted an extension of time of thirty days to pay the initial portion of the filing fee, as previously directed, or to notify the court that he no longer desires to proceed with this action.

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: December 14, 2007